

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU**  
**&**  
**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929**

**WA.No. 2722 of 2007**

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(AGAINST THE JUDGMENT OF THE LEARNED SINGLE JUDGE  
IN W.P.(C). NO.28946/07 DATED 3.10.2007).  
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**APPELLANT/PETITIONER**

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M.N.YASODHARA DEVI,  
PADIYATH HOUSE, VADAGARA,  
THALAYOLAPARAMBU, VAIKOM.

**BY ADV. SRI.G.PRABHAKARAN**

**RESPONDENT/RESPONDENT:**

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THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY,  
KOTTAYAM.

**BY GOVERNMENT PLEADER (SHRI M.P. SREEKRISHNA)**

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L. DATTU, CJ. & K. M. JOSEPH, J.**

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**W.A. NO. 2722 OF 2007**  
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**Dated this the 19th November, 2007**

**JUDGMENT**

**H.L. DATTU, CJ.**

This Appeal arises out of the Order passed by the learned Single Judge in W.P.(C). No.28946/07 dated 3.10.2007.

2. Smt. M.N. Yasodhara Devi, was the petitioner before the learned Single Judge in the Writ Petition.

3. The appellant/petitioner had applied for grant of a Stage Carriage Regular Permit on the route Ernakulam - Pala as L.S.O.S. The request so made, was rejected by the Regional Transport Authority, Kottayam (RTA). Petitioner being aggrieved by the said order of the Regional Transport Authority, had filed an Appeal before the State Transport Appellate Tribunal (STAT) in M.V.A.A. No.1031/03. The STAT by Order dated 23.7.2004, had allowed the Appeal and set aside the order passed by the RTA, Kottayam and further had directed the RTA to grant regular permit in favour of the petitioner on the aforesaid route for the vehicle bearing registration No.KL-5/B-9570.

4. The RTA, after receipt of the orders passed by the STAT, was pleased to pass yet another order in No.G1/36339/04/K. dated 28.9.2004. The order passed by the RTA is as under:

*"Heard. Perused the Judgment of Hon'ble STAT in MVAA No.1031/03. Regular permit granted subject to timings and subject to counter signature."*

5. Since the order passed by the RTA had not been implemented in spite of long lapse of time, the petitioner was before this Court in W.P.(C). No.28946/07. The relief sought in that Writ Petition was to direct the RTA, Kottayam to implement the orders passed on 28.9.2004 by issuing a Regular Permit.

6. The Kerala State Road Transport Corporation (KSRTC) being aggrieved by the orders passed by the RTA, Kottayam in granting Permits to various operators under the Supplemental Scheme, had approached this Court in W.P.(C). No.33897/04 and connected matters. This Court had disposed of the Writ Petition by Order dated 7.4.2006 and in that, had granted permission to the KSRTC to approach the concerned Regional Transport Authority in the light of the amendments carried out in the Supplemental Scheme issued by the State Government. The learned Single Judge had further observed that if such objections are filed by the KSRTC, the RTA will consider the objections so filed, after issuing appropriate notice to the appellant herein.

7. The learned Single Judge by Order dated 3.10.2007 disposed of W.P.(C). No.28946/07 filed by the petitioner. Aggrieved by the said order, the petitioner in the Writ Petition is before us in this Writ Appeal.

8. The one and the only prayer that was sought for by Smt.M.N. Yasodhara Devi in the Writ Petition that was filed, was to implement Ext.P2 order passed by the RTA, Kottayam who, by its order dated 28.9.2004 had granted regular permit to the petitioner subject of the timings and subject to the counter-signature pursuant to the direction issued by the STAT in

M.V.A.A. No.1031/03.

9. The KSRTC, aggrieved by the order so passed by the RTA in a number of cases granting Regular Permits, had approached this Court. This Court had disposed of the Writ Petition and had permitted the KSRTC to move the Regional Transport Authority, to modify the orders passed by them in granting regular permit.

10. In our opinion, in view of the orders passed by the learned Single Judge, which have become final in the Writ Petition filed by the KSRTC, it may not be possible for this Court to grant the request of the petitioner. Keeping this aspect of the matter in view, the learned Single Judge has rightly rejected the Writ Petition and the order so passed, does not call for our interference. Accordingly, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

**H.L. DATTU,  
CHIEF JUSTICE**

**K.M. JOSEPH,  
JUDGE**

**kbk/dk.**